IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE TWENTY SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT APPEAL No: 1173 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 24/07/2003 in WP No: 4145 OF 1999 on the file of the High Court.)

Between:

1 A.P. Transmission Corporation, rep. by its Director, Vidyutsoudha, Kairatabad, Hyd.
2 The Superintending Engineer Operation, A.P. State Transmission Corporation, Anantapur.

..... APPELLANTS

AND

1 S. Sivaiah S/o. Late S. Obulesu
A.P. Transco, Dharmavaram, R/o. Sainagar, New A Town, Anantapur.
2 Syed Ameer, S/o. Syed Abdul Khader Sahe,
Anantapur.

.....RESPONDENTS

Counsel for the Appellant: MR.S.RAVINDRANATH

Counsel for the Respondent No.1: MR.M.PANDURANGA RAO (SC FOR NISIET)

Counsel for the Respondent No.2: MR.K.VASUDEVA REDDY

The Court made the following:

ORAL ORDER: (BY GB,J.)

The Writ Appeal is filed by the A.P. Transmission Corporation aggrieved by the order dated 24-7-2003 passed by the learned Single Judge in W.P.No.4145 of 1999.

2. Challenging the displacement of seniority of the first respondent, he filed W.P.No.4145 of 1999. The learned Single Judge while upholding the power of the Board to review the orders and grant seniority, but however, disapproved the action of the management on the ground that settled seniority cannot be unsettled after a lapse of nearly 24 years. On that ground the order dated 25-2-1999 is set aside. Assailing the said order the present Writ Appeal has been filed by the Management.

3. It is brought to the notice of this Court that the first and second respondents have retired from service. The learned counsel for the appellant submits that the order of the Single Judge has a snow-ball effect on the service of other in-service candidates whose seniority has to be re-fixed in pursuance of the order passed by the learned Single Judge.

4. We are afraid that the apprehension is not sustainable inasmuch as the dispute relates to seniority inter se between first and second respondents and once the learned Single Judge has held that the seniority cannot be unsettled after a lapse of 24 years, we are not inclined to interfere with the said order, but however, we make it clear that the decision of the learned Single Judge will be applicable inter se between the first and second respondents only.

5. With this direction the Writ Appeal is dismissed. No costs.

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(G. BIKSHAPATHY, J.)

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(P.S. NARAYANA, J.)

Date: 22-11-2004

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To

1 A.P. Transmission Corporation, rep. by its Director, Vidyutsoudha, Kairatabad, Hyd.
2 The Superintending Engineer Operation, A.P. State Transmission Corporation, Anantapur.

3. 2 CD copies.